

February 19, 2008

Richard Dauphinais

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

OLD RELIABLE WHOLESALE,  
INC., 250 South Van Buren  
Ave, Barberton, Ohio 44203

VS.

CORNELL CORPORATION,  
808 South 3rd Street  
Cornell, WI 54732

CASE NO.:  
5:06-cv-02389-DDD  
JUDGE: DAVID D. DOWD,  
JR.

VIDEOTAPED DEPOSITION OF RICHARD DAUPHINAIS,  
a Witness in the above-entitled cause, taken on  
behalf of the Defendant, before Jane M. Poore,  
Notary Public, RPR, in and for the State of Rhode  
Island, at the offices of Branch River Foam  
Plastics, Inc., 15 Thurber Boulevard, Smithfield,  
Rhode Island, on February 19, 2007, at 9:00 A.M.

APPEARANCES:

FOR THE PLAINTIFF:

HAHN, LOESER & PARKS, LLP  
BY: R. ERIC GAUM, ESQUIRE  
ONE GOJO PLAZA, SUITE 300  
AKRON, OH 44311-1076  
(330)864-5550

FOR THE DEFENDANT:

SEVERSON, SHELDON, DOUGHERTY & MOLENDIA, P.A.  
BY: MATTHEW J. SCHAAP, ESQUIRE  
7300 WEST 147TH STREET, SUITE 600  
APPLE VALLEY, MINNESOTA 55124  
(952)432-3136

ALSO PRESENT: WILLIAM WHITE, VIDEOGRAPHER

ALLIED COURT REPORTERS, INC.  
115 PHENIX AVENUE  
CRANSTON, R.I. 02920  
(401) 946-5500

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(DEPOSITION COMMENCED 9:13 A.M.)

THE VIDEOGRAPHER: We're on the record. My name is William White. Today's date is February 19, 2008. The time is 9:13. We're in Smithfield, Rhode Island, in the matter of Old Reliable Wholesale, Inc., versus Cornell Corporation, CA Number 5:06-cv-02389, for the Northern District of Ohio, Eastern Division. Would the attorneys identify themselves for the record.

MR. SCHAAP: My name is Matthew Schaap. I'm an attorney for Cornell Corporation, the Defendant in this action.

MR. GAUM: My name is Eric Gaum. I'm counsel for the Plaintiff, Old Reliable Wholesale, Inc.

THE VIDEOGRAPHER: Could you swear the witness, please.

RICHARD DAUPHINAIS  
BEING DULY SWORN, DEPOSES AND TESTIFIES AS FOLLOWS:

THE REPORTER: Could you state your full name for the record, please.

THE WITNESS: Richard Dauphinais.

EXAMINATION BY MR. SCHAAP

Q. And could you just spell your last name once again

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1 for the record.

2 A. D-a-u-p-h-i-n-a-i-s.

3 Q. Dauphinais, am I saying that right?

4 A. Yeah.

5 Q. Now, Mr. Dauphinais, just by way of a little bit  
6 of context, as I just indicated, I'm the attorney  
7 for Cornell Corporation. Mr. Gaum is the attorney  
8 for Old Reliable Wholesale. Old Reliable  
9 Wholesale is suing Cornell Corporation alleging  
10 patent infringement. Now, Cornell Corporation is  
11 defending that action alleging that the patent is  
12 invalid. Because you're not a party to the  
13 action, and Branch River Foam Plastics is not a  
14 party to the action --

15 A. Right.

16 Q. -- I will just give you that context as to why  
17 we're here in your office today and why we'll be  
18 asking you some questions, okay?

19 A. Okay.

20 Q. Now, you understand that there was a subpoena  
21 issued and a deposition notice issued. Have you  
22 had a chance to look at that, those documents?

23 A. No, I haven't seen that.

24 Q. You understand that you're here today for Branch  
25 River Foam Plastics as an employee, and not in